

**REMARKS**

Claims 1-7, 9-17, and 20-30 were pending in the application. Claims 1, 3-7, 9-17, 20, 23-24, and 26 have been amended to correct minor errors, improve antecedent basis, and clarify the claims. Claim 21 has been amended to add a limitation. Claims 22 and 25 have been deleted. Claims 31-36 have been added. Therefore, claims 1-7, 9-17, 20, 21, 23, 24, and 26-36 are now pending in the present application. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Indication of Allowable Subject Matter**

Applicants sincerely thank Examiner Huynh for indicating that claims 1-7, 9-17, 20, and 27-30 contain allowable subject matter.

**Claim Rejections Under 35 U.S.C. § 102(b)**

Claims 21-26 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,024,188 to Yamaguchi et al. (hereinafter "Yamaguchi"). Claims 21-26 are also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,907,547 to Daly (hereinafter "Daly"). Claims 22 and 25 have been canceled. Applicants respectfully traverse the rejections to claims 21, 23, 24, and 26 for at least the following reasons.

Independent claim 21 has been amended to recite that the recessed portion, which is provided to avoid an interference between the collector and a fuel injection valve that injects fuel spray into an associated one of the intake ports, is formed as a recess on an outer periphery of the collector. Yamaguchi and Daly each discloses a fuel injection valve (40 in Yamaguchi, 38 in Daly) located in an interior of the collector (20 in Yamaguchi, 11 and 12 in Daly). Neither Yamaguchi nor Daly teaches, suggests, or discloses a recessed portion, provided to avoid an interference between the collector and fuel injection valve, that is formed as a recess on an outer periphery of the collector. Thus, claim 21, and dependent claim 24, are believed to be patentable over the cited references. Withdrawal of the rejections is respectfully requested.

Independent claim 23 recites a pressure control valve located upstream of the collector to adjust a vacuum pressure in the collector to a predetermined constant pressure value. Yamaguchi does not disclose, nor does the Office Action contend that Yamaguchi

discloses, these features. Daly discloses a main throttle valve 30 “which is under the control of an operator to set the degree of throttle blade opening.” (Col. 3, lines 5-7.) The main throttle valve 30 is configured to respond to an operator input, not to adjust a vacuum pressure in the collector to a predetermined constant pressure value, as required by claim 23. Daly simply does not teach, suggest, or disclose a pressure control valve located upstream of the collector to adjust a vacuum pressure in the collector to a predetermined constant pressure value. Therefore, claim 23, and dependent claim 26, are believed to be patentable over the cited references. Withdrawal of the rejections is respectfully requested.

### **New Claims**

New dependent claim 31 recites a fuel injector valve located externally to the collector. As discussed, Yamaguchi and Daly disclose a fuel injection valve located in an interior of the collector, and do not teach, suggest, or disclose a fuel injector valve located externally to the collector. Therefore, new claim 31 is believed to be patentable over the cited prior art.

New independent claim 32 is similar (but not identical) in scope to original dependent claim 19 without the limitations of the intervening claims on which it depended. Neither Yamaguchi nor Daly teaches, suggests, or discloses the recitations in new claim 32. New claim 32, and all claims dependent therefrom, are believed to be patentable over the cited prior art.

### **Conclusion**

Applicants believe that the present application is in condition for allowance, and favorable reconsideration is requested.

Examiner Huynh is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date OCT 27 2003

By *Richard L. Schwaab*

FOLEY & LARDNER  
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5414

Facsimile: (202) 672-5399

Richard L. Schwaab  
Attorney for Applicant  
Registration No. 25,479

Should additional fees be necessary in connection with the filing of this paper, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees.